

COCN No.3837 of 2018
Date of Decision: 29.4.2019

Gurdial Singh

.....Petitioner

Versus

Satish Chandra

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Ms. Rahish Pahwa, Advocate, for the petitioner.
 Mr. Aditya Sharda, Assistant Advocate General, Punjab.
 Mr. B.S. Kanwar, Advocate, for PHSC.

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for non-compliance of the order dated 4.4.2018, vide which, direction was issued to respondent No.2-The Secretary, Punjab State Health System Corporation Limited, Mohali (for short, 'the Corporation'), Punjab to look into the grievances unfolded by the petitioner in the legal notice dated 10.11.2017 seeking release of reimbursement of medical bills under the Punjab Government Employees' and Pensioners' Health Insurance Cashless Scheme issued vide notification dated 20.10.2015. When nothing was done, the petitioner was forced to file the present contempt petition.

Additional reply on behalf of the Corporation filed in Court is taken on record.

After issuance of notice in the present contempt petition, affidavit of Satish Chandra, IAS, Additional Chief Secretary, Government of Punjab, Department of Health and Family Welfare dated 14.1.2019 was filed rejecting the claim of the petitioner on the ground that the claimant

submitted his claim of medical reimbursement on 6.7.2017, which is

approximately after a delay of 8½ months after being discharged from hospital. It was further stated in the speaking order annexed with the affidavit dated 14.1.2019 that the claim was required to be dealt with by the Insurance Company.

The Director of the Corporation was present in Court on 13.2.2019 and while justifying the reply dated 27.7.2018, vide which claim was rejected on the ground that he had approached after a delay of 8½ months, also submitted that the petitioner was required to directly approach the Insurance Company, which he neither did nor had made the Insurance Company a party before this Court.

In these circumstances, this Court may not be able to actually hold that the respondents are guilty of contempt. However, this Court is forced to note the conduct of the respondents. Although the Additional Secretary, Department of Health and Family Welfare is stated to have marked the representation on the same day to the Managing Director of the Corporation but the then Managing Director of the Corporation did not decide the said representation and it was only when the present incumbent, took over the charge on 24.7.2018 that he decided the said representation on 27.7.2018, whereas, it was incumbent upon Sh. Varun Roojam, the then Managing Director of the Corporation, to have either forward the claim of the petitioner to the Insurance Company and simultaneously should have guided the petitioner to pursue the same with the Insurance Company. It was only after this Court made harsh observations in its orders dated 17.1.2019 and 13.2.2019 then they finally filed reply dated 18.4.2019 today in Court stating that the answering respondents have now forwarded the bills of the petitioners to the Oriental Insurance Company Limited vide

office letter dated 10.4.2019 for settling the case of the petitioner.

Thus, taking into account that the raising of the claim and reimbursement of the same is not stated to be under the power and purview of the Corporation, the present contempt petition is disposed of with liberty to the petitioner to avail the remedy before the Insurance Company to whom the claim of the petitioner has already been forwarded by the Corporation as mentioned above to look into the same and settle the claim of the petitioner sympathetically keeping in mind that after discharging from the hospital, the wife of the petitioner died on 22.10.2016 and the petitioner had duly submitted the bills alongwith the medical certificate issued by the Dayanand Medical College and Hospital, Ludhiana to the respondents herein after completing formalities who did not forward it to the Insurance Company.

Rule issued against the respondent stands discharged.

(NIRMALJIT KAUR)
JUDGE

29.4.2019
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No